

Agreement on the International Dolphin Conservation Program (AIDCP)

Basic Instruments

The Agreement on the International Dolphin Conservation Program, a legally-binding multilateral agreement which entered into force in February 1999, established this program and strengthens and replaces the 1992 Agreement on the Conservation of Dolphins (the La Jolla Agreement.)

Implementing Legislation

International Dolphin Conservation Program Act (IDCPA) of 1997 (11 Stat. 1122; 16 U.S.C. 1361 et seq.; 16 U.S.C. 1411)

Member Nations

Belize, Colombia, Costa Rica, Ecuador, El Salvador, European Union, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, the United States, Vanuatu and Venezuela.

States Which Are Applying the Agreement Provisionally

Bolivia

Secretariat Headquarters

Inter-American Tropical Tuna Commission
8604 La Jolla Shores Drive
La Jolla, California 92037-1508

Director of Investigations: Dr. Guillermo Compeán
Telephone: (858) 546-7100
Fax: (858) 546-7133
Web Address: <http://www.iattc.org/IDCPENG.htm>

Budget

The expenses of the International Dolphin Conservation Program are shared by the Parties. Article XV of the AIDCP provides that the Parties “shall contribute to the expenses necessary to achieve the objectives of this Agreement through the establishment and collection of vessel fees, the level of which shall be determined by the Parties, without prejudice to other voluntary financial contributions.” A significant feature of the fishery is that since 1995 one hundred percent of trips by large purse seine vessels (i.e., vessels in excess of 400 short tons, 363 metric tons, carrying capacity) are covered by observers. However, 100% observer coverage comes at a substantial expense. In order to cover the cost of the AIDCP’s On-Board Observer Program, all purse-seine vessels in excess of 363 metric tons of carrying capacity that are authorized to fish for tuna in the eastern tropical Pacific Ocean (ETP) pay assessment fees at a rate of US\$ 14.95 per cubic meter of well volume. The agreed AIDCP budget for FY 2013 was \$1,968,887. The United States currently has five purse seine vessels (size classes 2 and 3) listed on the Active Purse Seine Vessel Capacity Register for 2014, and the total U.S. vessel assessments paid for 2014 is \$1276.20.

While vessel assessments cover the majority of AIDCP costs, a portion of the AIDCP budget is derived from the Inter-American Tropical Tuna Commission (IATTC). The expenses of the IATTC are also shared by the IATTC Members, according to the proportion of the total catch by each Member from the fisheries covered by the IATTC Convention and the portion of the catch utilized by each Member. The Member proportions are calculated from statistics compiled by IATTC staff for calendar years previous (approximately 3 years) to the Fiscal Year (FY) budget in question. Historically, the United States paid 80-90 percent of the IATTC’s budget. Since the U.S. tuna market became “dolphin-safe” in mid-1994, U.S. utilization of the catch has greatly diminished, causing a decrease

in the U.S. contribution to IATTC. Further, the Department of State has indicated that future U.S. contribution may be further reduced. The provisionally approved IATTC budget for FY 2014 is \$ 6,527,781, of which the United States assessed contribution is \$1,746,553.

Description

A. Mission/Purpose:

The goals of the AIDCP are:

“(1) to progressively reduce incidental dolphin mortalities in the tuna purse-seine fishery in the Agreement Area to levels approaching zero, through the setting of annual limits; (2) with the goal of eliminating dolphin mortality in this fishery, to seek ecologically sound means of capturing large yellowfin tunas not in association with dolphins; and (3) to ensure the long-term sustainability of the tuna stocks in the Agreement Area, as well as that of the marine resources related to this fishery, taking into consideration the interrelationship among species in the ecosystem, with special emphasis on, inter alia, avoiding, reducing and minimizing bycatch and discards of juvenile tunas and non-target species.”

B. Organizational Structure:

The AIDCP consists of Parties, including nations and regional economic integration organizations, and a Secretariat headed by a Director of Investigations, which is shared with the IATTC. Approval of decisions, resolutions, recommendations and publications is achieved by consensus of all Parties to the AIDCP. The Director of Investigations is responsible for drafting programs of investigations, budget formulation, accounting and administrative support, directing technical staff, coordinating the AIDCP with other organizations and preparing administrative, scientific, and other reports of the AIDCP.

International Review Panel: The International Review Panel (IRP) follows a general procedure for monitoring compliance by vessels with measures established by the AIDCP for minimizing the mortalities of dolphins during fishing operations and reporting on compliance to appropriate governments. The IRP reviews data collected by observers of the On-Board Observer Program related to compliance with the AIDCP, and identifies possible infractions of that Agreement. Lists of these possible infractions are submitted by the Secretariat to the governments of the Parties in which the vessels are registered for investigation and possible action. The governments report back to the Secretariat on actions taken regarding these possible infractions. The IRP publishes an annual report that summarizes the activities, actions, and decisions of the IRP, and lists the possible infractions identified for the various national fleets.

The Permanent Working Group on Tuna Tracking (PWGTT) was established by the Parties to the AIDCP in 1999 as a component of the IRP. The AIDCP requires that all Parties have an approved tuna tracking and verification system. The purpose of the system is to ensure the dolphin-safe status of tuna harvested in the ETP. The first task undertaken by the Working Group was to develop an international tuna tracking and verification system template that each Party could use to prepare a national tuna tracking system consistent with AIDCP requirements. In addition, the PWGTT has encouraged and assisted in the development of national plans as requested by AIDCP Parties. The PWGTT provides a forum for discussing and solving problems encountered in operating the national tuna tracking systems, and from time to time, recommends improvements to the system. At its meeting in El Salvador in June 2001, the PWGTT developed an international dolphin-safe Certification Program to provide a method of documenting the dolphin-safe status of ETP tuna in the world market. The international certification program and system for tracking and verifying tuna are reviewed and amended as necessary.

The Working Group to promote and publicize the AIDCP Dolphin Safe Tuna Certification System was established in 2002. This working group seeks to identify means of effectively promoting the scientific and technical aspects of the International Dolphin Conservation Program (IDCP), as well as its conservation successes. Additionally, those Members that utilize the AIDCP Dolphin Safe Tuna Certification System also look for means of promoting and increasing consumer understanding of the AIDCP Dolphin Safe Label so that commercial benefits can be realized from the program. The United States participates in the work that seeks to raise awareness of the IDCP and its successes, but does not implement the AIDCP Dolphin Safe Tuna Certification System.

C. Programs:

To fulfill its mission, the Parties carry out an extensive research and data collection program. This program is conducted by a permanent, internationally recruited staff selected and directed by the Director of Investigations, who is responsible to the Parties. In addition, the Parties to the AIDCP have established work groups to address specific management and organizational issues.

Dolphin Conservation

In the 1950's, fishermen discovered that yellowfin tuna in the ETP aggregated beneath schools of dolphin stocks. Since that discovery, the predominant tuna fishing method in the ETP has been to encircle schools of dolphins with a fishing net to capture the tuna concentrated below. Hundreds of thousands of dolphins died in the early years of this fishery. U.S. participation in the ETP tuna fishery has greatly decreased since the inception of the fishery, coming to a virtual standstill by the early 1980's. However, foreign participation in the ETP fishery has continued to increase. Annual dolphin mortality is down from over 133,000 in 1986 to less than 2,150 dolphins per year since 1998. The incidental dolphin mortality in the fishery for 2012 was estimated to be 870 dolphins, representing an 11.8% decrease from the observed mortality of 986 animals in 2011. The observed mortalities in 2012 and 2013 both represent a total reduction in dolphin mortality of greater than 99% compared to 1986 levels.

In the fall of 1992, the nations participating in the ETP tuna fishery signed the La Jolla Agreement, which placed voluntary limits on the maximum number of dolphins that could be incidentally killed annually in the fishery, decreasing the maximum each year over seven years, with a goal of eliminating dolphin mortality in the fishery. The United States and nine other nations fishing in the ETP negotiated the Panama Declaration in 1995. The Panama Declaration established conservative species/stock-specific annual dolphin mortality limits and represented an important step toward reducing bycatch in commercial fisheries with sound ecosystem management. It contained provisions for additional protection for individual stocks of dolphins and for other living marine resources to achieve an ecosystem approach to management of the fishery. Due to the efforts of the nations that negotiated the Panama Declaration and the IATTC, the yellowfin tuna fishery in the ETP has had 100% observer coverage since 1995. The signatory nations envisioned that, as a result of their actions in reducing dolphin mortality, the United States would amend its laws so their participation in the AIDCP would satisfy comparability requirements of the Marine Mammal Protection Act (MMPA) and result in the lifting of embargoes on yellowfin tuna and yellowfin tuna products.

In response to the Panama Declaration, in 1997, Congress amended the MMPA with the IDCPA to authorize the AIDCP and to: (1) allow for lifting the embargoes for countries fishing in compliance with the AIDCP and (2) lift the ban on the sale of tuna that is not dolphin-safe.

In February 1998, the nations participating in the tuna purse seine fishery in the ETP negotiated the AIDCP, a legally-binding instrument for dolphin conservation and ecosystem management in the ETP. The IDCPA is intended to give force domestically to the AIDCP, which was designed to strengthen dolphin protection measures already in place and afford nations harvesting tuna in the ETP in compliance with those measures access to the lucrative U.S. market for their tuna.

Despite successes in reducing observed dolphin mortality in the ETP purse seine fishery, the three stocks of dolphin that interact to the greatest degree with the fishery, the eastern spinner dolphin (*Stenella longirostris orientalis*), northeastern offshore spotted dolphin (*Stenella attenuata*) and coastal spotted dolphin (*Stenella attenuata graffmani*), are currently categorized as depleted under the MMPA. These stocks of dolphin are not recovering at a rate of population increase that is consistent with the drastic reduction in observed dolphin mortality in the ETP purse seine fishery. Investigations into the potential causes of this apparent lack of recovery are ongoing.

It is important to note that the dolphin-safe standard established by the AIDCP differs from that currently implemented in the United States. Under the AIDCP, dolphin-safe means "tuna captured in sets in which there is no mortality or serious injury of dolphins." The current dolphin-safe standard in the U.S. is that "no tuna were caught on the trip in which such tuna were harvested using a purse seine net intentionally deployed on or to encircle dolphins, and no dolphins were killed or seriously injured during the sets in which the tuna were caught."

Other Conservation and Administration Issues: The Parties have taken a proactive position in fishery management and dolphin conservation in recent years. There are or have been two work groups dealing with specific management issues: (1) fishing by non-parties to the AIDCP and (2) vessel assessments and financing the AIDCP.

The Working Group on Vessel Assessments and Financing was established and met for the first time in 2002. The Working Group was created with the objective of addressing the long-term budget issues faced by the AIDCP. In 2006, the Parties adopted a new approach to collect vessel fees, or assessments. The previous approach, established in 2003, connected calculation of vessel assessments with the IATTC Capacity Resolution of 2002, requiring that owners of all vessels listed on the register of vessels authorized to purse seine for tuna in the ETP, whether the vessel is active or inactive, pay annual assessments. The approach established in 2006 mirrors the approach used prior to 2003, where only Class 6 purse seine vessels required to carry observers (i.e., in excess of 400 shorts tons, 362.8 metric tons, carrying capacity) pay assessments. The AIDCP expenditures for FY 2012 were \$1,97,108, while the AIDCP revenues for FY 2012 were \$1,946,932, leaving a deficit of \$24,176.

As mentioned in the previous paragraph, the AIDCP currently does not require that vessels in size classes 1-5 (i.e., of 400 short tons, 362.8 metric tons, carrying capacity or less) carry observers. However, in light of the concern that some Class 1-5 vessels are setting purse-seine nets on dolphins, in contravention of the AIDCP, the Parties adopted measures to require purse-seine vessels identified by the IRP to have intentionally set on dolphins to carry observers on subsequent trips. In addition, the Parties are engaged in ongoing discussions to develop indicators (e.g., gear, catch composition analysis) for identifying Class 1-5 vessels that may be harvesting tuna by intentionally setting purse seine nets on dolphins.

Staff Contacts

NOAA Fisheries:

Barry Thom
Deputy Regional Administrator
West Coast Regional Office
National Marine Fisheries Service NOAA
1201 NE Lloyd Boulevard, Suite 1100
Portland, OR 97232-1274
Telephone: 503-231-6226

Justin Greenman
Protected Resources Division, West Coast Regional
Office – Long Beach Office
National Marine Fisheries Service NOAA
501 W. Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213
Telephone: [562-980-3264](tel:562-980-3264)
Fax: (562) 980-4027

Erika Carlsen
Office of International Affairs
National Marine Fisheries Service
1315 East West Highway, SSMC3
Silver Spring, MD 20910
Telephone: (301) 427-8358
Fax: (301) 713-2313

Department of State:

David Hogan
Deputy Director
Office of Marine Conservation (OES/OMC)
U.S. Department of State
2201 C. Street, NW
Washington, D.C. 20520-7818
Telephone: (202) 647-2335
Fax: (202) 736-7350